

ORDINANCE 1596

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, RENEWING THE MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR DEVELOPMENT PERMITS AND APPROVALS WITHIN COTTAGE RESIDENTIAL (CR) ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, in 2015 the residents of North Bend elected three new members to the seven-member City Council, and the City Council desires to ensure that its collective vision for development within the City is considered and implemented; and

WHEREAS, the City Council has determined that it is important for the full City Council to have the opportunity to thoughtfully deliberate public policy matters related to residential land use development within the City, in order to best ensure consistency with the City Council's and residents' vision and mission for the City; and

WHEREAS, the City has received and approved numerous subdivision and short subdivision applications for residential development in the recent past, the result of which is that nearly 800 additional residential housing units are now approved for construction; and

WHEREAS, the City Council requires additional time to collectively consider and adopt its land use vision for the City and to achieve a strategic vision for residential growth in the City; and

WHEREAS, the City Council also requires additional time to analyze the impacts of recent downzones in Low-Density Residential (LDR) zones and Constrained Low-Density Residential (CLDR) zones; and

WHEREAS, the City Council is in the process of reviewing zoning regulations related to multi-family and high density uses within certain overlay zoning districts; and

WHEREAS, in particular, the City Council has determined that its currently adopted zoning and other development regulations for the Cottage Residential (CR) zoning district should be further analyzed and reviewed, and potentially amended, prior to the vesting of any further applications for Cottage Residential development; and

WHEREAS, the vesting of additional development applications prior to the development of a strategic vision for residential growth and completion of the necessary analysis to these zoning regulations could frustrate the City Council's vision for residential development in the City; and

WHEREAS, on February 16, 2016, the City Council adopted Ordinance 1579 imposing a six-month moratorium on the acceptance of applications for development permits and approvals within Cottage Residential zoning districts (the “CR Zone Moratorium”) in accordance with RCW 35A.63.220 and RCW 36.70A.390; and

WHEREAS, on April 5, 2016, the City Council held a public hearing on Ordinance 1579 as required by RCW 35A.63.220 and RCW 36.70A.390; and

WHEREAS, the City Council has been reviewing and discussing zoning and development regulations for residential housing at numerous monthly workstudy meetings, including a special six-hour Council workstudy with a citywide tour of residential development on March 22, 2016; and

WHEREAS, the City Council has determined that more time is needed to evaluate changes to the zoning and development regulations for cottage housing in order to implement the Council’s vision for residential development within the City; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 permit the City to renew the moratorium for a six-month period after holding a public hearing and adopting findings of fact; and

WHEREAS, on July 13, 2016, the City issued a Determination of Non-Significance (DNS) regarding the proposed renewal of the CR Zone Moratorium in accordance with Chapter 43.21C RCW, the State Environmental Protection Act; and

WHEREAS, after providing proper notice, the City Council held a public hearing on the proposed renewal of the CR Zone Moratorium on August 2, 2016, in accordance with RCW 35A.63.220 and RCW 36.70A.390;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings of Fact: The City Council adopts as findings of fact the recitals set forth above, which are incorporated herein by reference.

Section 2. Moratorium Imposed: Pursuant to RCW 35A.63.220 and RCW 36.70A.390, a moratorium is hereby imposed in the City of North Bend upon the acceptance of applications for land use permits, development permits, building permits, conditional use permits, special use permits, variances, rezones, and all other types of development permits or approvals for all property zoned Cottage Residential (CR).

Section 3. Exemptions: The moratorium imposed by Section 2 of this Ordinance shall not apply to the following:

- A. Permits and approvals for churches, synagogues, and temples or for educational service uses or park and recreational uses;
- B. Permits and approvals for additions or alterations to existing residential structures when such additions or alterations do not result in the creation of new residential units, and permits for structures replacing pre-existing residential or commercial structures destroyed by fire or other unintentional casualty;
- C. Permits and approvals for government services, including, but not limited to streets, utilities, and surface water improvements;
- D. Permits and approvals for signs; and
- E. Permits and approvals for law enforcement, emergency medical, and disaster relief facilities, parking and storage.

Section 4. Referral to Mayor: The Mayor is requested to direct City Staff to analyze issues related to residential land use development within the City, and to prepare recommendations for consideration by members of the public, members of the development community, the Planning Commission, and the City Council.

Section 5. Retroactive Effect: Pursuant to Sandona v. Cle Elum, 37 Wn.2d 831 (1951) and State ex rel Thorp v. Devin, 26 Wn.2d 333 (1946), the City Council intends and directs that the complete language of Section 2 herein be given retroactive effect to the date of the original moratorium imposed by Ordinance 1579, Section 2, which inadvertently omitted the words “applications for.” The caption of Ordinance 1579 and the minutes from the February 16, 2016, City Council meeting plainly demonstrate the Council’s intention that the moratorium apply to “*applications for* development permits and approvals within the Cottage Residential (CR) Zoning District[s]” (emphasis added).

Section 6. Duration/Renewal: The moratorium imposed by this Ordinance shall be in effect for a period of six months from the date this Ordinance is passed and shall automatically expire at the conclusion of that six-month period unless the same is extended as provided in RCW 35A.63.220 and RCW 36.70A.390, or unless terminated sooner by the City Council.

Section 7. Severability: If any one or more section, subsection, or sentence of this Ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance and the same shall remain in full force and effect.

Section 8. Effective Date: This Ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property and public peace and shall take effect immediately upon its adoption.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND,
WASHINGTON, AT A SPECIAL MEETING THEREOF, THIS 15TH DAY OF
AUGUST, 2016.**

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Kenneth G. Hearing, Mayor

Michael R. Kenyon, City Attorney

ATTEST/AUTHENTICATED:

Published: August 24, 2016
Effective: August 15, 2016

Susie Oppedal, City Clerk